

DUALISTIC TRANSFORMATION OF THE HABSBURG MONARCHY AND THE NATIONALITY PROBLEMS OF HUNGARY

by

JÓZSEF GALÁNTAI

When the ancient Monarchy on the Danube was reshaped dualistic, the Mid-European Empire saw in it the solution of its longest lasting as well as its acutest problem, that had born a series of conflicts over the centuries.

With the agreement of 1867 the two traditional parts of the Habsburg Empire – its leading Austro-German and Magyar layers – entered what may well be called an alliance. At the same time Austria – i.e. the hereditary provinces together with the other domains and countries attached to them – as well as Hungary – more exactly the lands of the Hungarian Crown i.e. Hungary with Transylvania, Croatia and Fiume – enjoyed sovereignty in their internal policy.

This, however, did not bring about by far the global solution of the nationality – problems of the multinational Empire, since the individual parts had their own serious internal problems on both national and nationality levels.

At this point, however, we must reject the concept, that considers dualization of the multinationality Habsburg Monarchy that stood in the way of the two parts of the Empire to settle their internal nationality questions. This concept appeared in contemporary press as well as in later historical literature and keeps coming up even nowadays. Among the representatives of this concept are not only the spokesmen of the nations that remained in subjection, but also circles of the leading groups in either part of the Empire who were reluctant to further the solution of the nationality questions.

While describing the nationality problem in Austria, even today we encounter constructions, which suggest that the solution of the nationality problem in Austria was hindered by the fact that the dualistic transformation enforced by the Hungarians attacked the allimperial system which nevertheless could have provided better solutions. This thesis is a hypothetical construction which cannot be justified by historical processes. Dualism by nature did not exclude the possibility of the development of a federation for any part of the Empire. Let us quote an Austrian born American historian when he puts forward his critical views on such statements: "The Compromise would

have left the way open for a federalization of the Austrian part of the monarchy according to the due constitutional process."¹

The approach, which can be found in the contemporary Hungarian publications as well as in recent ones, explaining the insolubility of the internal national questions of multinational Hungary by the dualistic system, and the fact that Hungary did not break away from the Habsburg Empire, cannot be justified. The far reaching sovereignty in internal questions – the nationality question being one of these – created circumstances which opened the way for better solutions as well, if that solution were seriously endorsed by a major force. Let us quote the conclusions of a Hungarian historian researcher of the age: "It is theoretically possible to imagine a process, in which the Hungarian ruling class gradually gives up its hegemony, and recognizes the fact that there are other, separate nations as well existing within the country. But this was never accepted by the Hungarian ruling class. And it was not 1867 which hampered them in this."²

The dualistic relationship – like all other relationships – meant both effects and counter-effects at the same time, but it did not prevent the coordinators of either of the leading nations of a part of the Empire from handling their nationality affairs on the grounds of equality.

If there were no satisfactory solutions in this field, then it is not due to the dualistic partnership, but to the contradictions of the internal structures, to the system of values and the policy expressing it, which was represented by the leading nationality in each of the two countries of the Empire, or speaking more exactly, by the top layers of these nationalities. It cannot, however, be denied that the forces interested in the maintenance of the Austro-German hegemony in Austria, and the maintenance of the Magyar hegemony in Hungary were inclined to exploit the dualistic system for their own interests.

The dualistic transformation – as we have already mentioned – was a novel way of solving one of the acutest national problems and the most difficult one of the internal tensions of the Habsburg Empire. This solution was also rooted in precedents in constitutional law.

The dichotomy of the state structure of the Habsburg Empire did not originate in 1867, although its concrete form incarnated in constitutional dualism gave this dichotomy a new type of structure. But all these go back to centuries-old antecedents related to constitutional law: "Das Problem des österreichisch-ungarischen Dualismus geschichtlich tief begründet... werden kann."³

The Central-European great Habsburg Empire took shape at the beginning of the 16th century when the Habsburgs who had owned the so-called hereditary provinces, acquired the Czech and Hungarian Crowns and with these the lands and provinces

¹Holotik, Ludovik (ed.): Der österreichisch-ungarische Ausgleich 1867. Materialien der internationalen Konferenz in Bratislava 28. 8-1. 9. Bratislava, 1971. pp.34-35. (Robert Kann's observation)

²Vita Magyarország kapitalizmuskori fejlődéséről (Értekezések a történelmi tudományok köréből 55) Budapest, 1971. p.133. Debate over the Development of Hungary in the Capitalist era (Threats in the Field of Historical Sciences 55) (Domonkos Kosáry's observation)

³Mayer, Theodor (ed.): Der österreichisch-ungarische Ausgleich von 1867. Seine Grundlagen und Auswirkungen. München, 1968. p.24. (Otto Brunner's observation)

belonging to these Crowns.⁴ But for a long time the common Sovereign held the legally separate provinces together only loosely, moreover a large part of the territories belonging to the Hungarian Crown were ruled by the Turks. After the defeat of the Czech attempts to achieve independence in the Battle of Fehérhegy (1620) – marked by brutal retaliations – the royal absolutism closely attached the lands of the Czech Crown to the hereditary provinces and handled them as a conquered country.⁵ Similar attempts were made with the Hungarian Crown provinces liberated freshly from Turkish rule at the end of the 17th and at the beginning of the 18th century, though with less success as it is shown by the risings led by Thököly and Rákóczi, and the Compromise of Szatmár in the year 1711.⁶

The difference in the Hungarian version of the *Sanctio Pragmatica* bears out as well that the enforcement of the general recognition of the common Sovereign and a common security policy in the Empire in fact reinforced and codified the legality of the formerly separate nature of the lands of the Hungarian Crown within the whole of the Habsburg Monarchy.⁷

Marie Theresa's reforms of the state law followed the same line: with her state-administration code of 1749, she incorporated the hereditary provinces and the provinces of the Czech Crown into a unified state. The bureaucratic apparatus of these provinces was formulated at that time and the structure of the different offices followed the same pattern. The authorities and the jurisdictional organisations uniformly used the German language, and German became the language of the schools as well. "Die einzelnen deutschen Erbländer und die Länder der böhmischen Krone, die selbst nach der Schlacht am Weissen berge weiterhin staatsrechtlich nebeneinander bestanden hatten – as Graz historian Berthold Sutter writes – wurde zu einem neuen Einheitsstaat vereinigt der von Wien aus zentralistisch geleitet wurde und dem nunmehr die Länder der Stephanskronen als zweiter grosser Komplex gegenüberstanden."⁸ This dichotomy in state law was made even more emphatic by the creation of a customs barrier between the two complexes which was in existence until 1850.⁹

Hans Lentze former professor of law at the University of Vienna who died in the late 60's characterized this historical process as a lasting structure in state law in his paper, which he read at the 100th anniversary of the Compromise: "Österreich (Zisleithanien) wurde als Teilstaat der Habsburgmonarchie durch die Staatsreform der Kaiserin Maria Theresia geschaffen. Maria Theresia fügte die deutsch-österreichischen Erbländer und die Länder der böhmischen Krone zu einem einheitlichen Staate zusammen. Dieser von Maria Theresia geschaffene österreichische Staat hat sich in

⁴Reidlich, Joseph: Das österreichische Staats- und Reichproblem. Vol. I. Leipzig, 1920. p. 1.

⁵J. May, Arthur: The Habsburg Monarchy 1867–1914. Cambridge, 1951. p. 16.

⁶For recent, profound Hungarian literature see Kálmán Bende's and Domonkos Kosáry's writings. For Austrian historiography see Csáky, Mór: Das Thököly-Bild in der österreichischen Historiographie. In: Österreichische Osthefte, 1981. 4th number.

⁷Most recently in this topic see Haselsteiner, Horst: Joseph II. und die Komitate Ungarns. Herrschrecht und ständlicher Konstitutionalismus. Wien–Köln–Graz, 1983. pp. 62–68.

⁸Die Habsburgermonarchie 1848–1918. vol. III. Die Völker des Reiches. Wien, 1980. p. 154.

⁹Mayer, op. cit. p. 24.

seiner Grundstruktur bis zum Untergang der Monarchie im Jahre 1918 erhalten.”¹⁰ With the acquisition of Galicia through the division of Poland, and the acquisition of Bukovina in 1775 the “cis-Leithanian” state organized by Maria Theresa became more heterogeneous. Joseph II tried to reorganize the whole conglomerate, including the lands of the Hungarian Crown as well, on centralistic grounds, but this undertaking – surviving only for less than a decade – went bankrupt. His successors did not try their hands in similar experiments for quite a long time. The assumption of the Austrian “Imperial” title in 1804 did not change the fact either that the lands of the Hungarian Crown within the “Habsburg Monarchy” and not within the “Empire” formed a distinct, constitutionally legal part.¹¹ During the territorial rearrangement of Europe after the Napoleonic era, the Habsburg Monarchy increased in size by two Italian provinces (Lombardy and Venice) and Dalmatia. Its heterogeneity went on increasing, though in spite of this the Theresian reform did not lose importance, and the hereditary provinces and the lands of the Czech Crown connected in a close union of state law maintaining the provincial division proved a permanent legal structure.

This is how the division of the provinces into two distinct parts – the hereditary provinces and the connected lands on the one hand and the lands of St. Stephen’s Crown on the other – has a long tradition on in the multi-coloured conglomerate of the Habsburg Monarchy. This twofold division was clearly expressed by the 1848 revolution as well. In the Spring of 1848 the lands of the Hungarian Crown turned – as definite state union – into a constitutional monarchy (the Acts of April 1848). The other provinces of the Empire at the same time – with the exception of the Italian provinces – made an attempt at the same as distinct state union (constitution plan of Kremsier).¹²

As the reactionary forces got control over the revolutions, there was another retaliatory attempt during 15 years at centralizing the whole Empire. The attempt was another failure. There was a way out in the 2nd half of the 60’s after the Habsburg Empire lost its Italian provinces. This way out was to recognize and stabilize to contemporary needs the historically developed duality of the state structure. As a French specialist of the Habsburg Monarchy, Victor Tapié well summarized: “Thus the old dynastic union which had existed since 1526 and the unified Empire desired by Felix Schwarzenberg were replaced by a perpetual association between two modern states: Austria-Hungary had been born.”¹³ The Compromise then, which put the age old dual structure of the Habsburg Monarchy on the grounds of constitutionalism and alliance did not create this dual structure. “Die besondere Stellung Ungarns im Rahmen der Gesamtmonarchie war ja schon seit 1526 eine historische Realität” – writes Robert Kann.¹⁴ Hans Lentze, however, referring to the twofold way the inheritance law was enacted in Hungary, emphasizes: “The Sanctio Pragmatica formed a real legal basis of Dualism.”¹⁵

¹⁰ *Holotik*, op.cit. p.925.

¹¹ *Redlich*, op.cit. p.42.

¹² *C. Hellbling, Ernst: Österreichische Verfassungs- und Verwaltungsgeschichte*. Wien, 1956. pp.349-350. see also *Bernatzik, Edmund: Die österreichischen Verfassungsgesetze mit Erläuterungen*. Wien, 1911. p.115.

¹³ *L. Tapié, Victor: The Rise and Fall of the Habsburg Monarchy*. London, 1971. p.307.

¹⁴ *Die Habsburgermonarchie*, vol.3. op.cit. p.1313.

¹⁵ *Jogtörténeti tanulmányok (Papers in Legal History)* vol.2. Budapest, 1968. p.74.

THE NATIONALITY COMPOSITION OF HUNGARY

Hungary, in the system of Dualism, of a surface of 325.000 km² and of a population of about 15 million at the beginning of the era and 21 million at the end was a multinational country.¹⁶ From the point of view of state law it consisted of 3 parts: Hungary united with Transylvania (87% of both surface and population), Croatia, having provincial self- government (13% of both surface und population) and Fiume and surroundings bearing the title of *corpus separatum* (a surface of 21 km², and in 1900 having about 39000 inhabitants). In official statistics and documents the three parts together were referred to as the "Hungarian Empire" to make it different from Hungary without Croatia. The nationality composition of the "Hungarian Empire" at the turning of the century – when the population numbered a total of 19,254,559 – can be listed as follows (rounded up, in thousands):¹⁷

Magyar	8,742	45,4%
Romanian	2799	14,5%
German	2135	11%
Slovak	2020	10,4%
Croatian	1682	8,7%
Serbian	1048	5,4%
Ruthenian	429	2,2%
Slovene (Vend)	99	0,5%
Other Slavic	203	1%
Other	95	0,5%

Nationality composition of Hungary (together with Fiume) in 1900 (total population: 16,838,255):

Magyar	8651	51,4%
Romanian	2798	16,6%
Slovak	2002	11,8%
German	1999	11,8%
Serbian	438	2,6%
Ruthenian	425	2,5%
Croatian	191	1,1%
Slovene (Vend)	79	0,4%
Other Slavic	170	1%
Other	83	0,5%

Official statistics count Fiume together with Hungary. It is worthwhile, however,

¹⁶See among others data in A. Kann, *Robert: Das Nationalitätenproblem der Habsburgermonarchie*. vol.2. Graz-Köln, 1964. Appendix pp.388-389.

¹⁷See data in Magyar Statisztikai Közlemények. Új sorozat 5. kötet. A magyar szent korona országainak 1900. évi népszámlálása. III. rész. A népesség részletes leírása. (Publications in Hungarian Statistics. New Series vol. 5 National Census of the Lands of the Hungarian Holy Crown in the Year of 1900. Part 3. A Detailed Description of the Population) Budapest, 1907. pp.204-213.

taking a look at the nationality composition of Fiume and surroundings in 1900, having a population of 39,000:

Italian	17,352	44,5%
Croatian	7,492	19,2%
Dalmatian	12,628	32,3%
Illyrian	5,136	13,1%
Magyar	2,842	7,2%
Slovene	2,251	5,7%
German	1,945	4,9%
Czech	147	0,3%

Nationality composition of Croatia (2,416,304 inhabitants in 1900, rounded up in thousands):

Croatian	1,491	61,6%
Serbian	611	25,3%
German	136	5,6%
Magyar	91	3,7%
Czech	32	1,3%
Slovene	20	0,8%
Slovak	17	0,7%

(Nationalities numbering only small fractions and groupings of unidentifiable nationality are not shown in the above two charts.)

When analysing the composition of the nationalities of Hungary and Croatia, certain relationships are particularly worth noting: First of all, not only Hungary, but also Croatia was multinational. The largest element in the population of Croatia was Croatian, making up 61,6%. This is slightly higher than the largest element in Hungary's population, which was Hungarian and made up 51,4%. It is worthwhile, however, to take these proportions into consideration together with the German nationality. In Croatia the Croatian and German nationalities represent 67,2%. In Hungary the Magyar and German nationalities together make 63,2%. There existed therefore a certain similarity between the structure of the nationality composition.

Another noteworthy instance is the distribution of the Serbian nationality between Hungary and Croatia. There were 610 908 Serbian inhabitants living in Croatia, in Hungary there were 437 737. While in Hungary this meant 2,6% of the population, in Croatia it was the strongest represented nationality with 25,3% of the population.

A further noteworthy factor is the fact that in both countries the leading element of the other country was only present in negligible numbers. There were 191 432 Croatian inhabitants living in Hungary – almost wholly on the Trans-Danubian territory –, while in Croatia there were 90 781 Magyars. This nationality stratification also contributed – obviously together with the historical antecedents – to the fact that the Hungarian leading layers recognized the constitutionally legal nature of the distinct standing of Croatia.

In this context one question springs to mind: why did the Magyar leading elements

automatically exclude a similar solution in relation to Transylvania, given the fact that a certain degree of historical autonomy had developed there as well. In the part of the country which lies beyond the "Király"-Pass – this corresponds to the former distinct Province of Transylvania – 2 476 998 people were living in 1900, and out of this 814 994 were Magyars (33%), i.e. one third of the population. That is almost 10% of the Magyar nationality living in the Carpathian Basin. Only one half of the Romanian nationality living in the Carpathian Basin – 1 397 282 people – lived on the territory of historical Transylvania in 1900 making up 56% of the population of this part of the country. The maintenance of Transylvania's autonomy in constitutional law would then have created basically different nationality conditions from what finally resulted from Croatia's provincial autonomy. In case Transylvania had kept its status as a province, the third of its population would have been Magyar, i.e. in minority. As a result of the union, however, the Magyar population of Transylvania formed part of the nation in majority. So if Transylvania had become an autonomous unit in the Hungarian Empire similar to Croatia, 10% of the Magyar population living in the Carpathian Basin would have become a minority. The Croatian autonomy, however, only concerned 0,5% of the Magyar population of the Carpathian Basin. Another basic difference lies in the fact, that in Transylvania the Magyar owner class had economic and political leadership, whereas in Croatia the leading role was in the hands of the Croatian owner class and middle class. Moreover in Transylvania cultural hierarchy did not follow the numerical hierarchy of the nationalities, as it did in Croatia. Recognizing the provincial autonomy of Croatia did not, therefore, present any difficulty, while the problem was obvious in the case of Transylvania.

If we consider the possibility of the unrealized Transylvanian autonomy comparing it to the Croatian which did get realized, we need to see that the Croatian autonomy went evidently together with the Croatian leading role, not only with regard to numerical majority (62%), but also from the points of view of cultural and economic state of development of the Croats within the province, not to say a word about historical traditions. This is how Croatian autonomy did not lead to the strengthening of the tensions among the nationalities inside the province, though it led to no solution, either. In Transylvania, however, the differences among the stages of cultural and economic development of the particular ethnic groups together with the historical traditions of leadership and the numerical majority of the Romanian ethnic element (56%) would have led to similar, if not even more acute internal tensions among the nationalities in the event of an autonomy, than those proper to Hungary after the union took place. In spite of this, the maintenance of the Transylvanian autonomy could probably have shown several positive features among the nationality conditions of the age of Dualism. It could have given a more important forum to Romanians living in the Carpathian Basin and might have helped the formation of a more permanent compromise of the nations living here.

It was characteristic of the nationality composition of Hungary and Croatia, that while some nationalities lived entirely within the borders of the state, some did only partially so. Magyars with few exceptions lived in Hungary, and so did the Slovaks. The overwhelming majority of the Croats lived in Croatia, part of them, though, lived

on the territory of the Austrian State (Dalmatia and Istria) and within the Monarchy (Bosnia). Part of the Serbs – as we have seen – lived in Hungary and in Croatia, but most of them lived outside the Monarchy (in Serbia and Bosnia-Herzegovina). The greatest part of the Roumanians lived outside the Monarchy, but those living inside, were found overwhelmingly in Hungary (in Bukovina itself there were 250 000 Roumanians). Ukrainians likewise, mostly lived outside the Monarchy, and those living inside, were found only in small numbers in Hungary. To sum up, in Hungary, just as in the "Hungarian Empire" 65% of the population belonged to a nationality whose major part or the whole of which lived either inside the country or inside the "Empire".

Data concerning the distribution of the nationalities in Hungary come from the official statistics of the year 1900. This is just why it needs mentioning that during the half century of the dualistic era there was a certain shift taking place in Hungary – Croatia is not considered here – in the nationality composition in favour of the Magyar ethnic element. According to statistics of 1880, the proportions of Magyars in Hungary was 46,7%, while it is 54,5% in 1910 statistics. This shift, though not without significance, did not bring about any change in the nationality composition of Hungary. This shift was motivated by several factors: the growth of the Magyar population was slightly higher than that of the nationalities, and emigration on the side of the nationalities was also more significant at the turning of the century. Another important factor is that during this half century there was a significant Magyarization amongst certain groups of the German and Slovak nationalities in Hungary as well as among the Israelite populations not yet of Hungarian mother tongue. The rise of the proportion, that is the shift, arose mainly from these factors. This, however leads to the question of the Magyar national feeling.

THE NATIONAL FEELING OF MAGYAR LIBERALISM

The last decades of the 18th, and the first decades of the 19th century bring about the formation of the first stage of the Magyar national identity. The concept of "Hungarian nation" ("Natio Hungarica") was filled with new content, for which the basic idea was provided by the French Rationalism, or more exactly the Enlightenment. In this sphere of thoughts "state" and "nation" are overlapping concepts: the state encompasses the nation, and what the state, in turn encompasses, is the (French) nation. The Magyar national feeling, too, found expression in these concepts and relations at the beginning of the century: the Natio Hungarica is no more solely the nobility of the historical nation, but its whole population, regardless that it is not homogeneous in language, i.e. it is not exclusively Magyar. It seemed evident for the spokesmen of the Magyar national thinking that it is merely a question of will and labour to make the historical state – filling out the whole of the Carpathian Basin, mainly through refining and spreading the Hungarian language, – appear as a Magyar nation in language and in culture.¹⁸

¹⁸*Szekfű, Gyula: Állam és nemzet. Tanulmányok a nemzetiségi kérdésről* (State and Nation. Papers about the Nationality Problem) Budapest, 1942. pp.112-113. see also *Szekfű, Gyula: Iratok a magyar államnyelv kérdésének történetéhez* (Documents to the Question of the Hungarian State Language) Budapest, 1926. pp.14- 18.

It soon became apparent, however, that this process is not so very self-evident. The need and the ideology of a national development possessed the Hungarian nationalities too, first of all the intellectuals of these nations – and they felt urged under partial influence of Herder to cultivate their mother-tongues and refine their nationalities. Filling out the frame of the historical Hungarian state in a "Magyar national" way on the one hand, and the need of the non-Magyar nations to develop their own national identity on the other became a source of conflicts.¹⁹

By the 40's of the 19th century, when the concept of the Magyar liberalism took its final shape, this conflict became so acute that there was no way to step aside. Most of the Magyar liberals were inclined to solve the conflict by pushing through the original concept. Part of the liberals, however, greatly influenced by Széchenyi's observations and warnings,²⁰ accepted the fact – during the 40's – that the country is not only populated by Magyar native, and that – nevertheless they hoped for the spreading of the Magyar language – this state of affairs promises to be permanent. Therefore they thought that the liberalist principles would have to be applied in the language use and in the education of the population. At the same time they also stucked to a politically homogeneous state whose character should be Magyar.

The unity of the state and its Magyar character were referred to by the concept of the "Magyar political nation". Spreading of non-Magyar tongues and cultures, however, were regarded as "nationality rights". This is how "nation" and "nationality" were terms that theoretically belonged to different categories in the 40's liberal Hungarian thinking and press. "Nation" was, in the closest way related to the political state organization, since the character of a state organization – remaining faithful to the terminology of the French revolution – comes from the nation. Since on the territory that belonged to the Hungarian Crown, there were two unities (state-unities) on the basis of constitutional law – as it was interpreted in the Hungarian liberal thinking. These two were Magyar and Croatian, and these two nations were to be recognized as political nations. At the same time, inside the Magyar political nation the poliglottism of the population was a matter of course, that is, there were nationalities besides Magyar for which they were willing to ensure certain rights springing from liberal principles; not constitutional rights, not political-state rights, but those applying to language use and to cultural, religious needs.

It must be admitted that this concept that had formed by the 40's was a little step forward as compared to the beginning of the 19th century and to the majority of the liberals whose thinking got stuck at that point. Yet, this concept did not reflect the actual conditions. "Nationalities" recognized in their linguistic and cultural properties referred to themselves as "nations", and, what is more, as political nations, just the same way as did Magyars and Croats, even if they wished to express their existence as a nation not through autonomous statehood, but through an autonomy that did not violate the unity of the state – such as an autonomy on county-levels on the grounds of constitu-

¹⁹Arató, Endre: *A magyarországi nemzetiségek nemzeti ideológiája* (National Ideology of Hungarian Nationalities) Budapest, 1983, p.248.

²⁰See his work entitled *Hunnia*, his talk at the Academy, etc.

tional law. Since they claimed the same status for themselves as the Magyar nation for itself, they felt it a grievance that Magyar was made the "official" language of the state, because what they saw in it was that the character of the state was still set by one nation, in relation to which their own nationality became secondary. They found the Act II. of 1844 therefore especially injurious, which prescribed the use of Magyar not only in state institutions and offices, but in schools as well ("language of education").²¹

Magyar nationalism was an important promotion for strivings after a bourgeois society and independence, though at the same time it had its shady sides already.

While the forces of Magyar liberalism stood outside the state power, these polemics and disharmonies did not lead to serious conflicts. During the years 1848 and 1849, however, when Magyar liberals already stood for their principles in national and nationality questions as factors of actual power, this conflict came to a crisis and ended in heavy consequences. Drawing conclusions became inevitable and part of the liberals did not want to step aside either. The change in their thinking was reflected especially by the nationality decree in 1849, but also by the acceptance of the principle in 1848 of an autonomy – perhaps of total independence – that they were to give to the Croats. The authors of the 1849 decree did not give up the thought of the one Magyar political nation as regards Transylvania united with Hungary (Croatia was not included here), but they ensured far-reaching nationality rights. This then was a solution based upon compromise, which could have been realized in practice if they act in time, as a temporary compromise between Magyar and non-Magyar nations.²²

This was in practical terms the theoretical basis of the liberal policy after 1849 in Hungary and in exile.

The principle of the "one political nation" was given special emphasis in the national thinking of the Magyar liberalism. This meant that the historical Hungary (Croatia was not included) – regardless that its inhabitants speak mostly languages other than Magyar – makes up one political nation, it forms one state the character of which is Magyar. Within this basic concept incarnating unanimous belief, however, there were at least three main trends to recognize.

One held that the Magyar political state may, and must be made Magyar in language as well, and that this can be done through definite measures in relatively short time.

The other accepted the fact of the linguistic differences and took it for a lasting phenomenon, that cannot really be altered through governmental prescriptions. Those who were for this standpoint displayed far-reaching readiness to admit the diversity in the fields of language, culture and religion. At the same time they felt it essential to emphasize that the Magyar state forms "one political nation", and it is of Magyar character, which the nationalities – in return for the far-extending rights they enjoy – have to accept.

Representatives of the third trend did not only admit the fact that the

²¹Corpus Juris Hungarici. 1844 2nd law. It gives an overview of the nationalities' reaction in the struggle about the language-question. *Arató*, op.cit. esp. chapters 4 and 5.

²²For 1849 Nationalities Law see *I. Tóth, Zoltán: A Szemere-kormány nemzetiségi politikája* (Nationality Policy of the Szemere-government) This paper is part of *I. Tóth, Zoltán: Magyarok és románok. Történelmi tanulmányok* (Magyars and Roumanians. Papers in History) Budapest, 1966. pp.360-370.

nationalities' needs concerning language, culture and religion have to be fulfilled and treated according to liberal principles, but recognized likewise that the concept of the one Magyar political nation is unacceptable for the nationalities. Though this trend did not give up the concept of the one Magyar political nation either, it did not push the nationalities to accept it even in theory, and was still looking for a compromise.

Each of these three trends are present along the history of Magyar liberalism from the beginning in 1865 of the Austrian-Hungarian negotiations all through the Compromise in 1867 up to the acceptance in 1868 of the Croatian autonomy and the nationalities law. The debate about the above three attitudes has an important say in shaping the standpoint voted in the 1868 laws. The first trend, whose main basis were the county landowner of the nationality territories got the upper hand, though it had many a spokesman at the diet as well. Deák became the principal representative of the second attitude, while the most important propagator of the third was Eötvös. This is how on handling the nationality problems, the debates were not restricted to discussions between the spokesmen of the group of Magyar liberals and the representatives of the nationalities, but there was a struggle among the three main trends of Magyar liberals as well.

Leaders of Hungarian nationalities did not generally regard the concept of the dualistic transformation injurious by itself for their national rights. The reason why they fought was to gain a certain autonomy in the structure of the Magyar state. This was so, for the Hungarian nationalities – despite Schmerling's attempts to the contrary – were not granted real favours by Vienna even during the Provisorium-period. The Roumanian population in Transylvania was an exception to this, their leaders obtained considerable influence at the Transylvanian Diet. Since the dualistic transformation went together with a strengthening of the union one more time, that is, with the ceasing of the autonomy of Transylvania, they grieved over the dualistic reshaping itself, and boycotted the 1865–1868 diet. Romanian leaders in Hungary, however, who made up the other part of the Romanian population of the Carpathian Basin took an active part in the 1865 parliamentary elections, and in the subsequent parliamentary debates.

So, besides filling Austrian-Hungarian relationship with new content, a further question of central importance of the period was how the relation among the nations in the two separate parts of the freshly dualistic Empire was going to work out. For the perspective of the whole State system the two questions were of equal importance.

CROATIAN AUTONOMY

In 1848–49 serious conflicts broke out between the Magyar and the Croatian national movements. During the period of Absolutism, however, the Croats were unsatisfied with the policy of Vienna, and were inclined to reestablish the old State community with Hungary.²³ This endeavour prevailed during the Schmerlingian centralistic system

²³ *Miskolczy, Julius: Ungarn in der Habsburger Monarchie. (Wiener Historische Studien, Band V.) Wien-München, 1959. p.145.*

as well. After the beginning of the dualistic bargaining in 1865, the Croatian leading layers started to view the negotiations of Vienna and Pest with growing distrust. They had to realize that with the dualistic transformation of the Habsburg Monarchy Croatia would get into a subordinate position to Hungary. The Croatians of course had no doubts as to the fact that historically Croatia belongs to the Monarchy by the right of the Crown of St. Stephen. Likewise, they admitted that this results in a closer relationship between Hungary and Croatia. But they denied that this should imply Hungary's hegemony. The Croatian leading layers conceived the relationship with Hungary practically in the form of a personal-union as far as constitutional law was concerned. The Croatian diet did not cut its connections with the Hungarian diet they started in 1861, they only stuck to the Hungarian diet recognizing – before exact settling of Croatian-Hungarian state law relations – Croatia's unity and independence, its legal position equal to Hungary, and the principle of parity in the clearing up of the two countries' relationship. The Hungarian diet were not willing to negotiate on such conditions.

The appointment of the Andrassy-government with the subsequent coronation and the sanctifying of the Compromise Law strengthened Hungary's position against Croatia. Delegations of the Hungarian and the Croatian diets started their talks at the end of April 1868 about Croatian autonomy.²⁴

At length the agreement about Croatian autonomy was brought to existence by the delegates of the Hungarian and Croatian diets. It was enacted in the Hungarian code as law 1868:XXX, and as law 1868:I in the Croatian.²⁵

The theoretical basis of the law handling the Croatian autonomy is that Croatia is "ein besonderes Territorium besitzende politische Nation", and that the Croatian-Slavonic lands "in ihren inneren Angelegenheiten eine eigene Gesetzgebung und Regierung besitzen" (section 59). At the same time Hungary and Croatia "bilden eine und dieselbe Staatsgemeinschaft" for lands inside and outside the Monarchy (section 1). In the following the law sets forth this communion in more detail – on the levels of both legislation and enforcement – and deals with the topic of autonomy in less detail.

It follows from the state communion that the king of Hungary and Croatia is – according to the Sanctio Pragmatica – once and the same person, who "wird mit einer und derselben Krönungshandlung gekrönt." (section 2) In those matters that had been settled to handle in mutual agreement or as common affairs of Austria and Hungary, the principle of commonness must be respected both in legislation and ruling between Hungary and Croatia as well (sections 3-4). But there are common affairs even beyond this between Hungary and Croatia in legislation and ruling alike. To these belong the expenses of the household as a sum to vote (section 6) and all those rights that the Austro-Hungarian Compromise ensured to the lands of the Hungarian Crown in the line of military affairs, i.e. the voting of recruits and the settling of the defence-system. Partition of recruits between Hungary and Croatia follows the numerical proportion of the population of the two countries. The law lays down in a like manner, that "die auf

²⁴For preliminaries in 1866–68 see lecture of Vasilije Krestic in *Holotik* op.cit.

²⁵Though the compromise and the subsequent law have Magyar and Croatian as their official language, but since they have their German version (see *Bernatzik* op.cit. 717-733) taken for authentic, I will give the quotations in German language.

Kroatien, Slavonien und Dalmatien entfallenden Rekruten werden in die Regimenter dieser Länder eingereiht" (section 7).

In a very general way the law declares finances common. Not only those that are common in Austrian-Hungarian relation, i.e. the estimates, the issuing of banknotes, etc., but much more than this, such as taking state loans and the whole of the taxation system, etc. Execution of these orders is – the law says – in the hands of the Hungarian minister of finances (sections 8-9). The minister of finances exercises his administrative right through the Zagreb board of finances directors (section 22) that is, not through the provincial government. The Croatian-Hungarian compromise declares common all that is in the line of Austro-Hungarian commercial and customs federation (section 9). What is more, it declares common industry in general, passport issuing, affairs of citizenship and naturalization all on the level of legislation, but execution in these matters concerns the provincial government (section 10).

Part of the costs of the Austrian-Hungarian common affairs that charge the Hungarian Crown, just as the charges of the Croatian-Hungarian common affairs will be divided in the proportion of the taxing capacity. They determined it as 93,56 : 6,44 (section 11).

Legislation right in common affairs will be in the hands of the "gemeinsame Reichstage" which is to be convoked once each year (section 31). Croatian delegates may use their own mother-tongues at the diet (section 59). They "üben ihr Recht der persönlichen Äusserung und Abstimmung" in those matters that concern the diet as common (section 35).

The Croatian diet was allowed to send 29 delegates in the chamber of deputies of the common legislation, taking into consideration the numerical proportion of the population. Later on this was increased up to 34 with the reannexation of the border-area, and in 1881 it went up to 40. This also meant, that nearly half of the representatives of the provincial diet were at the same time members of the Pest diet as well, where they could speak up in Croatian, too. This might be more evident knowing that the Croatian diet – according to the 1888 new provincial law – could have 90 members. Up to that time it had 120.²⁶ But the Croatian representatives did not make up 10% of the chamber of deputies of Budapest parliament, which, at that time had 413 members.

The law prescribed that the Croatian diet may delegate two representatives to the Upper House (sections 32- 36). Regardless of this, Croatian secular and ecclesiastical dignities would keep their membership in the Upper House (section 37). Participation of the Croatian diet was ensured even in the delegations and in such a way, that four members out of the Magyar delegation sent by the chamber of deputies must be Croatian representatives of the Hungarian diet. One out of the members sent by the Upper House must be likewise Croatian (section 41).

As regards objects of the autonomy, the law makes a general statement: "Hinsichtlich aller jener Gegenstände, welche in diesem Übereinkommen nicht dem gemeinsamen Reichstage und der Zentralregierung vorbehalten sind, steht Kroatien, Slavonien und Dalmatien sowohl im Bereiche der Gesetzgebung, als der Exekutive die volle

²⁶Die Habsburgermonarchie 1848–1918 vol.2. Verwaltung und Rechtswesen. Wien, 1975. pp.484–485.

Autonomie zu". (section 47) The law provides definite guidelines in a number of points concerning the whole variety of items that belong to this topic: home affairs, religion and public education, justice on all levels (section 48). The law lays down that the language of legislation, of administration and of jurisdiction is Croatian all over Croatia (section 56). It also states that the language of administrative organs and offices working in Croatia on common Magyar-Croatian grounds is equally Croatian (section 57). Croatia communicates in Croatian even with the Buda-Pest common government (section 58). Common laws are to be sent in Croatian to the Croatian diet (section 60).

Croatian flag and arms are used inside Croatia with the restriction that the Croatian arms must be covered by the Crown of St. Stephen (section 61). Included in the law is a measure requiring a Croatian flag beside the Hungarian on the Pest House of Parliament, whenever a common affair is being discussed (section 63).

Concerning executive power, the law places it – in Hungarian-Croatian common affairs – in the hands of "die in Budapest residierende" central government (section 43). The central government exercises the executive power through its own organs, but in the event that it is unable to do so, the provincial government must intervene (section 45). The central government endeavours to act in harmony with the Croatian government, but it is only responsible to the common diet (section 45). The central government will have a Croatian minister without portfolio, who will represent the interests of Croatia, have the right to vote and who is going to be responsible to the common diet (section 44). They will employ Croats in the affiliate offices of the central government in Croatia, just as in the Croatian departments of the central ministries (section 46). Croatian departments were set up in those ministries, the range of activities of which included Croatia as well. Such were the ministries of agriculture, industry and commerce, earthwork and transportation, finances and home defence.

As regards executive power in Croatia, the law appoints the viceroy to the head of the autonomous government. The viceroy is responsible to the provincial diet (section 50). The viceroy is nominated by counsel of the president of the central government by the ruler himself (section 51). The viceroy is member of the Upper House (section 53). Organization of the provincial government further than this belongs to the provincial diet, to the measures of which the ruler's consent is necessary (section 54). The viceroy's responsibility to the provincial diet was nothing more than legal formality, though in 1874 a provincial law was issued according to which this responsibility – in the event of conscious and serious violation of the provincial laws, and if two thirds of the provincial diet votes for holding the viceroy responsible – could be carried out.

They included in the law that Dalmatia's reannexation to Croatia is desired by Hungary as well, but "über die bedingungen dieser Reinkorporierung ist indessen auch Dalmatien zu hören" (section 65).

The agreement about Dalmatia meant the admittance of the Croatian requirements by Hungary, but did not go together with an actual change in the position of Dalmatia, belonging to Austria. Later – defining Dalmatia's position in constitutional law – they used the following formulation: "An associate land of Hungary from the point of view of constitutional law, and a province of the Austrian Empire administratively."

As regards Fiume the law declares Fiume's status of *corpus separatum*, and also, that its autonomy will later be discussed in detail by delegations of Hungary, Croatia and Fiume (section 66). Fiume's provincial separatedness was a political fact all through the period, but its autonomy was granted by the Hungarian government – shutting out Croatia – by a temporary measure in 1870. According to this, Fiume is ruled by a governor, who is under exclusive supervision of the Hungarian government. This measure remained valid until the end of the age. Two seats were given to Fiume at the Croatian diet, which, however remained unoccupied.

There may be some further elucidation of the term "Slavonic". Originally it came to be used in the sense of "Slavia" (Slavic country), and denoted the central parts of Croatia, that surrounds Zagreb. This means, looking at its origin, it can be seen as a synonym of the notion "Croatia". Later, however it came to stand for the three Eastern counties (*vármegye*) of Croatia, Pozsega, Verőce and Szerém (Slavonic counties).

There was a huge polemic going on among contemporaries about Croatian autonomy, just as about the question of Austro-Hungarian compromise. Polemic literature of posterity is fairly voluminous. Differences in interpretation come up even in today's historiography. Some reject all appreciation of autonomy, or even emphasize its shady aspects.²⁷ Others say that Croatian autonomy was furthest reaching within the Habsburg Empire, and was well formed even in comparison with contemporary European instances. This is that the French historian, Victor Tapié refers to in his evaluation: "The kingdom of Croatia was placed in a subordinate but nonetheless advantageous position, within Hungary."²⁸ But the autonomy did still not meet the historically developed demands of the Croatian nation. Some of the liberal Magyar leaders were not reluctant to enlarge the Croatian autonomy. Béni Kállay, then consul-general in Belgrad payed a visit to Deák on October 24th 1872, and made the following notes in his diary about their talks: "Deák would not object a much larger autonomy for Croatia."²⁹ The Croatian demand, however was not for a wider or broader autonomy, but for the shaping of a Southern Slav union under Croatian leadership and the creation of a legal position of this state unity that should be equivalent to all state unities within the Habsburg Monarchy.

The contemporary Croatian leading layer was split in the question whether to represent utmost aims and whether to object all forms of Croatian autonomy in the Hungarian Empire. Many of them were for a compromise, and strove for further development of their autonomy. At the same time the Croatian National Liberal party, later called the Rights Party stuck to requiring a legal position equal to other dualistic state unities. This basically implied a concept of trialistic solution.

Although – at least among the Monarchy's southern Slav population – the Croats had the best position, they were unable to achieve the union of the Monarchy's southern Slav nations. The Rights Party was not the only one to require the union. Even the actual annexation of Dalmatia to Croatia remained unachieved.

²⁷The standpoint of Ferdo Hauptmann (Sarajevo). Mayer, op.cit. pp.45-46. Vasilije Krestic (Beograd) reflects a similar concept. *Holotik*, op.cit. p.829.

²⁸Tapié, op.cit. p.307.

²⁹National Archives (Budapest) Béni Kállay's writings (p.334) Diary vol.31, a note on the 24th October 1872.

So there was no way to solve the Croatian question, not even through a compromise. Even less did the Croatian autonomy mean a general solution to the southern Slav problem. Tensions resulting from this became permanent.

THE 1868 HUNGARIAN NATIONALITIES LAW

Croatian-Magyar negotiations were going on simultaneously to the preparations for the legal regulations of the Hungarian nationality questions. The chamber of deputies delegated a 40 member committee with the task of working on the proposition. In March 1867 – about a year after the committee was delegated – they brought to existence a smaller subcommittee, which finished up and introduced the bill in three months under the presidency of Pál Nyári taking into consideration Eötvös's intentions.

The bill of the subcommittee reflected the concept of the 1849 decree, the one which aimed at a compromise.

That it aimed at a compromise was clearly shown by the fact that the subcommittee did not only introduce the palm of the bill, but together with it, five earlier nationality bills as well, as a supplement.

The subcommittee bill did not mention the "Magyar political nation" that had caused so much polemic, although "the country's political unity, that is its territorial integrity, the uniformity of its legislation and state government" was given great emphasis already in the introduction. The nationalities could, however have acknowledged the country's political integrity unless it is onesidedly Magyar.

The bill in question – we may well call it Eötvös Bill – promised far reaching rights to the nationalities in the fields of community and ecclesiastical administration (chapter I), of municipal administration (chapter II), in the topic of associations, schools, etc. (chapter IV), and in legislation (chapter V). All these will form a part of the final draft of the law, and stand as its positive content.

Chapters III, IV and VII are particularly noteworthy, since important parts of these were either left out from the original law or have been modified in theory. So for instance the subcommittee bill labels Hungarian "the language of administration in state government", and "the language of administration and discussion at the diet", whereas the later law calls it "state language" or "the official language of the state". The former was acceptable for the nationalities, the latter was not. The subcommittee bill considers the equality of rights of the nationalities – with the emphasis of a last sentence – a salient point among all laws of the country, while it is not included in the draft of the latter law. However, the most important difference, one of theoretical significance, was that the bill does not mention the notion of the "one Magyar political nation", while the later law does.³⁰

As a supplement to the subcommittee bill, 24 nationality representatives (16 Romanians, 7 Serbs and 1 Ukrainian) compiled and signed a proposition on the 11th of February 1867. It deserves special attention, since – similarly to the subcommittee

³⁰Its text is given by *Kemény, G. Gábor*: *Iratok a nemzetiségi kérdés történetéhez Magyarországon a dualizmus korában* (Documents to the History of the Nationality Problem in Hungary in the Dualistic Era) Vol. I. Budapest, 1952, pp.49-52.

concept – it suggested a compromise. Instead of a total territorial autonomy it asked for a solution resembling the Swiss cantons. The most important feature of this is a "rounding up" of the counties and the voting districts in such a way that in the administrative and voting units there should be relative homogeneity.

This proposition by the nationalities' representatives – though requiring to all nations having a separate country their own official languages – accepted Magyar as the language of legislation and as that of central authorities – not as that of the state in general: "The language of the countrywide Magyar nation making up the majority of the Country is also the language of legislation and of the central authorities" (section 4).³¹ The subcommittee, while considering Magyar as the official language of the state, built it in the bill in such a way that it should be acceptable – if only for a compromise – for the nationalities.

After the subcommittee bill was spread – with all its supplements – among the members of the chamber of deputies, it released the nationalist counteraction. It became more and more apparent, that the majority of the representatives do not find the bill satisfactory as they see too much concession in it in favour of the nationalities. Under such circumstances the committee kept putting off – for the time being – the discussion over the subcommittee bill. More than a year elapsed until the 40 member committee introduced their own bill on October 28th 1868. Theirs differed greatly from that of the subcommittee.

The bill of the committee went beyond the limits of a potential compromise. It suggests Magyar emphatically as the "official language of the state", which the nationalities' representatives would evidently not have voted. In spite of this it has still important positive features: it does not speak about the notion of the Magyar political nation.

The chamber of deputies sent the committee's report to the sections after whose discussions the documents reached the central committee of the chamber of deputies. The result of the central committee's discussion was submitted to the chamber of deputies on November 12th 1868. The proposal of the central committee was identical with that of the 40 member committee delegated to discuss the nationality problem. A new moment in it – not without theoretical significance – was to emphasize in its preface: settling equality of nationality rights "one only has to set up rules concerning official use of languages within the country".³²

The chamber of deputies put the date for the bill's discussion on 24th November, according to the plans of the central committee. The nationality representatives introduced their common proposal prepared on 11th February 1867. There were now two bills before the chamber of deputies. Right at the beginning Deák spoke out. He explained he had objections against the bill of the central committee. Rewording it and writing a new preface to it, he introduced his own full text for discussion. In the preface of Deák's proposal the most important new part was given particular emphasis: "All citizens of Hungary form... one nation in the political sense, which is the indivisible

³¹Kemény, *op.cit.* pp.5- 9.

³²Kemény, *op.cit.* pp.107- 111.

uniform Hungarian nation." Deák also gave a new structure to the central committee bill. First he specified the language use of the central institutions and from this he went on to the municipal authorities, communities, churches and schools. So, considering the introductory proposition, he underlined even more the importance of the state language.³³

This is how, in the general debate from the 24th to the 28th of November there were three proposals before the chamber of deputies: that of the central committee, that of the nationalities and that of Deák. First they had to decide which proposal to accept as the subject of a detailed discussion. In the end nobody voted for the central committee's proposal. There were 24 nationality representatives voting for the nationality proposal, the overwhelming majority, however, voted for Deák's bill.

The detailed debate over Deák's bill started on 29th November, when the 24 nationality representatives left the council room.

The 1868 Nationalities Law does not then reflect the trend of Magyar liberalism that goes furthest in nationality questions, nor the one that is shown by the 1849 nationality decree, by Eötvös's position, but not the most rigid one either, represented most eminently by the county landowners of the nationality territories, but the middle course preached by Deák. Similarly to the extremist attitude, however, this trend excluded all ways for a constant and lasting compromise, and included such a contradiction that proved insolvable in the practice of the nationality policy. This is the point where we should mention the fact, that in two years Magyar representatives (Dániel Irányi, Ernő Simonyi, Ödön Kállay and József Madarász) cooperating with Serb Miletić and Romanian Hodosiu and Mosonyi elaborated a new proposal that followed Eötvös' concept. In this they expressed, that Magyars, Romanians, Serbs, Slovaks, Ruthenes and Germans in Hungary are "historical nations of equal rights." The proposal, instead of defining Magyar as the "language of the state" considers "the language of the majority of the country's inhabitants" as the language of legislation and that of the central authorities.³⁴ All this shows very well, that a sensible compromise could have been the law worded according to Eötvös' original proposal.

The Nationalities Law was enacted in the Hungarian code as law 1868:XLIV.

Its negative feature – as we previously said – is the principle of the one political nation propounded in its preface. It closely follows that the law does not contain a theoretical declaration of the equality of rights of nations and nationalities of Hungary. It only recognizes the equality of rights of every citizen "whichever nationality they should belong to."

The other problematic element is defining Magyar as "state language", or "the official language of the state". We have already seen, that the dominant role of Magyar as that of the nationality in majority was recognized by the leaders of the nationalities. That is to say that they did not deny the practicality of an "administrational language" for which purpose Magyar would be the most suitable, being the language of the

³³ Kemény, op.cit. pp.125- 129.

³⁴ See text in Mikó, Imre: Nemzetiségi jog és nemzetiségi politika (Nationality Right and Nationality Policy) Kolozsvár, 1944. pp.250- 251.

majority of the population. But in declaring Magyar as "state language" they saw a question of principle, which was the fact that it would raise Magyar above the languages of the other nationalities.

A positive feature of the law is that it specifies the ways of using the mother-tongue in administration, jurisdiction, ecclesiastical organization and education in a very wide range, in sufficient detail and exhaustive thoroughness. The law was unique in Eastern and Central Europe in giving such codified liberty in the use of the minority's mother-tongue. It was a rarity in its time in Western Europe as well, but it was the only one with that thoroughness in codification.

According to the statement of the law the language of the government and that of the diet is – as a state language requires it – Magyar, and laws are also laid down in Magyar, but at the same time they are published in all nationalities' language in the country in an authoritative translation (section 1). Municipal records are written in the official language of the state, but besides this in all other ones, that are claimed for by at least 1/5 of the bodies representing the municipal authorities (section 2). Everybody may use his or her mother-tongue at municipal gatherings (section 3). In documents addressed to the government, municipal authorities use the official language of the state, though they may use any of the languages that they use in records (section 4). The law requires that municipal clerks should use – in communication with communities, unions and individuals – the mother-tongues of these to their means (section 6).

As regards jurisdiction, everyone is allowed to use his or her mother tongue in the court of the community. In the court of the particular district people use the language of the administration or of the record of their own districts (section 7).

Concerning activities of churches of official nature (church courts, birth registers, etc.) the law follows adopts the principle of giving freedom in that field (sections 10, 14-16). "Similarly – within the limits of the national education law – they may freely choose the language of education in their schools" (section 14).

Choice of the language of education in educational institutions already set up or to be set up in the future by the state is in the hands of the minister of education. At the same time "he must see to it that in state educational institutions all citizens of the homeland of any nationality living together in larger grouping should be able to get their education in their own mother tongues in the public life of their own districts up to the age where a higher academic formation begins" (section 17). In secondary and high schools founded by the state, there has to be a language and literature department for the particular languages spoken in the given territory (section 18). Magyar is the language in which lectures are held at the university, but there have to be departments for all languages and literatures spoken in the country (section 19).

The Law permits for communities, churches and individuals to build schools for primary, secondary and high education on their own efforts. The language of education at these schools is chosen by the founders thereof (section 26).

There are several sections giving instructions about the language use of communities. These sections concern inner affairs and the relation of communities to their superior organs, where they get practically total freedom in using their mother tongues (sections 20- 24).

The closing passage is of outstanding importance: nationality is no hinderance in fulfilling any office or dignity. "Moreover, the state government will take charge that only such persons be employed in national judicial and administrative offices and mostly in that of the *főispán*, that are familiar with the necessary nationality languages, and that are suitable even from all other points of view" (section 27).

The most important question in bringing a judgement over the law is to see whether it furthered the formation of a lasting compromise among the nations or whether it hampered it. A realistic task of the Law could be laying down the bases of an enduring compromise in a multinational country. It only fulfilled this task half way.³⁵ The nationalities were dissatisfied with it, because it denied from them the status of a political nation, and because it codified a state language. At the same time the law, just because of its fairness, helped the development of the nationalities and also their national feeling, which, on the other hand found dislike on the side of those who clung to the principle of the one political Magyar nation. This, too reflected the inner contradiction of the 1868 Law. Those shaping the nationality policy were to decide sooner or later whether to execute consistently the liberal orders included in the Law. In this case they had to count with the fact, that the execution of the law would help the development of the nationalities, therefore sooner or later they would have to give up the rigid rejection of considering the nationalities as political nations. The other way was to push through the acceptance of the concept of the one Magyar political nation and the state language at all prices, in which case they would inevitably be forced to cut liberalism furthering the development of the nationalities. The nationalities law then contained a contradiction that made its very execution impossible.

The question was to foresee which of the two factors would gain the upper hand in the practice of the nationality policy. In the end it was the insistence on the principle of the "one political nation" and the "state language" and the cutting of the liberalism of the Law all laid down in the 1868 law that got realized in practice.

Many a politician of the Magyar progressive reactionary circles – even on the theoretical basis of the one political nation and that of state language – required the realization of the liberalism of the 1868 Law. The actions taken by Lajos Mocsáry in order to urge the execution of the law are commonly known.³⁶ Towards the end of the age it was especially Oszkár Jászi who criticized continually the official policy, because it denied liberalism of the 1868 law, and wished the execution thereof.

The liberal spirit laid down in the 1868 Nationalities Law, even within these restricted limits had in many ways a positive effect on the handling of the nationality question. Although – on the basis of the Nationalities Law – no constant and enduring compromise could come to existence among the nationalities of Hungary, still, from time to time it got realized to a certain extent: in spite of the constant debate and struggle,

³⁵ See on this topic the paper of C.A. Macartney in *Berger, Peter* (ed.): *Der österreichisch-ungarische Ausgleich von 1867. Vorgeschichte und Wirkung*. Wien-München, 1967. Especially p.228.

³⁶ See *Gogolák, Lajos*: *Mocsáry Lajos élete és a nemzetiségi kérdés* (The Life of Lajos Mocsáry and the Nationality Problem) Budapest, 1943; *Tóth, Ede*: *Mocsáry Lajos élete és politikai pályakezdetek* (Lajos Mocsáry – his Life and the Beginning of his Political Career) Budapest, 1967.

a very fragile compromise was more or less at work among the nations of Hungary until 1914.

The restricted enforcement, more exactly the restricted success of the liberal content of the 1868 law was clearly shown by the fact, that the "racist" handling of the nationality question, i.e. the underrating of particular ethnic groups was far from both the official Magyar national thinking of the age of Dualism, both from the Nationalities Law. On the contrary, the nation-concept of Hungarian liberalism helped in all possible ways the mingling of different ethnic groups. Even the stressing of the Magyar character of the one political nation did not go against this.

The nationality policy of Dualism differed in practice from the liberal concept of the 1868 law, but followed it at the same time in many ways. It did not ensure entirely what had been laid down in law about language use and schooling, still it made possible the linguistic and cultural development of the non-Magyar nations. This is why the half-a-century-long period of dualistic multinational Hungarian history was equally important a period in the development of the Slovak, Romanian, Southern Slav and German ethnic groups in Hungary, even if the practice of nationality policy did not cease to hinder this development.

Hungary in the age of Dualism – together with its Nationalities Law – was a factor that undeniably hampered the formation of a state structure that answered a multinational population composition. At the same time, however, it was a state structure that gave space to the growth of the national identity of the different nations, and within which the ethnic and cultural interaction of different nations could come to the surface.

Nations within the multinational state – Magyars, Roumanians, Germans, Slovaks, Southern Slavs – could not shape out – on the basis of the 1868 law – a state structure indispensable for a stable symbiosis, but could at the same time grow their nationality and hand down mutually lasting values of their cultures as well as of their nationalities' traditions.